

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HALEY JADE GARCIA, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CARLOS GARCIA,

Respondent-Appellant.

UNPUBLISHED
September 1, 2009

No. 290999
Oakland Circuit Court
Family Division
LC No. 08-744921-NA

Before: M. J. Kelly, P.J., and K. F. Kelly and Shapiro, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (g), (h), (j), (k)(ii), and (n)(i). We affirm.¹

On appeal, respondent argues that the trial court erred in finding that termination of his parental rights was in the child's best interests. MCL 712A.19b(5). We disagree. The evidence showed that respondent loved his daughter and that she had loved him. However, because of respondent's continuing criminal activity, including the sexual abuse of the child's half sister, the child had not seen him since August 2007 when she was two years old. And, because respondent is serving a minimum prison sentence of 285 months as a result of that criminal activity, he will not be available to act as a parent to the child. Further, the results of respondent's psychological evaluation indicated that termination was appropriate. Under the circumstances, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. See MCL 712A.19b(5).

¹ This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Affirmed.

/s/ Michael J. Kelly
/s/ Kirsten Frank Kelly
/s/ Douglas B. Shapiro